

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

NOV 13 2018

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN DAVID GROB,

Defendant.

CR 18-31-M-DLC

Clerk, U.S. District Court  
District Of Montana  
Missoula

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on October 24, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

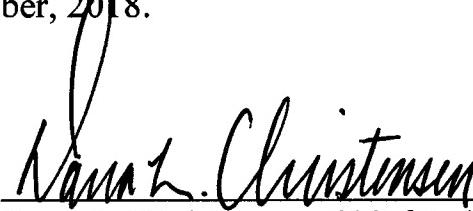
Judge Lynch recommended this Court accept Justin David Grob’s guilty plea after Grob appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of bank fraud in violation

of 18 U.S.C. § 1344(2) (Count 5) as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts 1 and 11 of the Indictment, as well as the forfeiture allegation.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 125), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Justin David Grob's motion to change plea (Doc. 86) is GRANTED and Justin David Grob is adjudged guilty as charged in Count 5 of the Indictment.

DATED this 13<sup>th</sup> day of November, 2018.

  
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Dana L. Christensen, Chief Judge  
United States District Court